

Exhibit O

Dale Campbell

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA CHARLESTON DIVISION</p> <p>IN RE: DIGITEK PRODUCT LIABILITY MDL NO. 1968 LITIGATION,</p> <p>----- MICHAEL PASKEN, et al., Plaintiffs, MDL No. 2:08-1075 vs. ACTAVIS GROUP HF, et al., Defendants.</p> <p style="text-align: center;">EXCERPTS</p> <p>DEPOSITION OF: DALE CAMPBELL</p> <p>----- TRANSCRIPT MARKED CONFIDENTIAL PURSUANT TO THE TERMS OF THE PROTECTIVE ORDER</p> <p>DEPOSITION DATE: July 31, 2009 Friday, 10:05 a.m.</p> <p>LOCATION: AKF REPORTERS, INC. 436 Boulevard of the Allies Pittsburgh, PA 15219</p> <p>TAKEN BY: Defendant Mylan</p> <p>REPORTED BY: Pamela L. Beck Notary Public AKF Reference No. PB14096</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>EXAMINATION INDEX</p> <p>DALE CAMPBELL BY MS. DOWNIE 5 BY MR. DOHENY 112</p> <p>CERTIFICATE OF COURT REPORTER 116 ERRATA SHEET 117 NOTICE OF NON-WAIVER OF SIGNATURE 118</p> <p>EXHIBIT INDEX</p> <p>MAR</p> <p>CAMPBELL</p> <table> <tr> <td>1</td> <td>13</td> </tr> <tr> <td>2</td> <td>13</td> </tr> <tr> <td>3</td> <td>36</td> </tr> </table>	1	13	2	13	3	36
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<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>DEPOSITION OF DALE CAMPBELL, a witness, called by the Defendant Mylan for examination, in accordance with the Federal Rules of Civil Procedure, taken by and before Pamela L. Beck, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at AKF Reporters, Inc., 436 Boulevard of the Allies, Pittsburgh, Pennsylvania, on July 31, 2009, commencing at 10:05 a.m.</p> <p>APPEARANCES:</p> <p>FOR THE PLAINTIFFS: Patricia I. Avery, Esq. pavery@wolfpopper.com WOLF POPPER, LLP 835 Third Avenue New York, N.Y. 10022 p 212-759-4600 f 212-486-2093</p> <p>FOR THE DEFENDANT MYLAN: Erica Downie, Esq. edownie@shb.com SHOOK HARDY & BACON, L.L.P. 2555 Grand Boulevard Kansas City, MO 64108 p 816-559-2214 f 816-421-5547</p> <p>FOR THE DEFENDANTS ACTAVIS GROUP, HF, ACTAVIS TOTOWA, LLC, ACTAVIS, INC., ACTAVIS ELIZABETH, LLC, ACTAVIS US: John T. Doheny, Esq. john.doheny@tuckerellis.com TUCKER ELLIS & WEST, LLP 1150 Huntington Building 925 Euclid Avenue Cleveland, OH 44115-1414 p 216.696.2845 f 216.592.5009</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>DALE CAMPBELL, having been duly sworn, was examined and testified as follows:</p> <p>EXAMINATION</p> <p>BY MS. DOWNIE:</p> <p>Q. Mr. Campbell, my name is Erica Downie. I'm going to be taking your deposition today in connection with a lawsuit that you filed regarding Digitek.</p> <p>Can you first give your name and address, please.</p> <p>A. Dale Campbell.</p> <p style="text-align: center;">REDACTED</p> <p>MS. AVERY: Before -- sorry for interrupting. Before we start, I do want to note for the record that we're designating the transcript as confidential pursuant to the terms of the protective order.</p> <p>MS. DOWNIE: Very well.</p> <p>BY MS. DOWNIE:</p> <p>Q. Have you ever been deposed before? Have you ever had your deposition taken like we're doing today?</p> <p>A. Yes.</p>						

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<p style="text-align: right;">Page 13</p> <p>1 Q. Have you ever been a defendant in any other</p> <p>2 lawsuits?</p> <p>3 A. No.</p> <p>4 MS. DOWNIE: We're going to go ahead</p> <p>5 and we will mark as Exhibit No. 1 Plaintiff</p> <p>6 Fact Sheet.</p> <p>7 ----</p> <p>8 (Deposition Exhibit No. 1 was</p> <p>9 marked for identification.)</p> <p>10 ----</p> <p>11 MS. DOWNIE: Off the record.</p> <p>12 ----</p> <p>13 (Deposition Exhibit No. 2 was</p> <p>14 marked for identification.)</p> <p>15 ----</p> <p>16 BY MS. DOWNIE:</p> <p>17 Q. Sir, I've given you what we've marked as</p> <p>18 Campbell Exhibit No. 1, which is Plaintiff</p> <p>19 Fact Sheet. If you could first off, turn to</p> <p>20 the back page, which is page 18. Can you</p> <p>21 verify that that is your signature.</p> <p>22 A. Yes.</p> <p>23 Q. And before signing this document, did you have</p> <p>24 an opportunity to review it for the</p> <p>25 information that was contained within?</p>	<p style="text-align: right;">Page 15</p> <p>1 injuries or illness listed above.</p> <p>2 A. Yes, I actually didn't see the doctor, but I</p> <p>3 talked to the doctor.</p> <p>4 Q. And the doctor is Dr. Gustov Ellis?</p> <p>5 A. Yes.</p> <p>6 Q. So, when did you talk to the doctor?</p> <p>7 A. The day I received a recall.</p> <p>8 Q. So, just to be clear, what you're saying is</p> <p>9 you didn't see a physician in connection with</p> <p>10 the injuries that you allege you suffered as a</p> <p>11 result of ingestion of Digitek?</p> <p>12 MS. AVERY: Objection to form.</p> <p>13 Q. But that you talked to a doctor at some point</p> <p>14 thereafter about those symptoms?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. Yes, on page 4h.</p> <p>18 Q. Hold on one moment. On page 4, that's still</p> <p>19 under II, Claim Information, and No. 4 is what</p> <p>20 harm -- I'm sorry, h is what harm or</p> <p>21 consequence, including physical limitations,</p> <p>22 do you claim you suffered as a result of the</p> <p>23 bodily injury above, excluding any mental or</p> <p>24 emotional damages, lost wages or out-of-pocket</p> <p>25 expenses listed below.</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. And you understood that when you signed this,</p> <p>3 you were verifying that this information was</p> <p>4 true and correct to the best of your</p> <p>5 knowledge; is that correct?</p> <p>6 A. Yes.</p> <p>7 MS. AVERY: Objection to form.</p> <p>8 Q. Is there anything to your knowledge that needs</p> <p>9 to be changed or corrected that is within this</p> <p>10 document?</p> <p>11 MS. AVERY: Why don't you go through</p> <p>12 it and see, then.</p> <p>13 Q. Please do.</p> <p>14 ----</p> <p>15 (The witness reviewed the document.)</p> <p>16 ----</p> <p>17 A. Yeah, where it said here on d --</p> <p>18 Q. Why don't you tell me which page you're</p> <p>19 looking at.</p> <p>20 A. Page 3.</p> <p>21 Q. And that's under claim information, and you're</p> <p>22 looking at 3d?</p> <p>23 A. Yes.</p> <p>24 Q. And the question is: Did you see a doctor,</p> <p>25 clinic, or healthcare provider for the bodily</p>	<p style="text-align: right;">Page 16</p> <p>1 And you currently have a response</p> <p>2 there that states: Bradycardia, fatigue,</p> <p>3 weakness, dizziness, vertigo, lightheadedness,</p> <p>4 fainting, shortness of breath, chest</p> <p>5 discomfort, palpitations.</p> <p>6 A. I also had nausea.</p> <p>7 MS. AVERY: This is one thing that</p> <p>8 I'm not sure the client even realizes this or</p> <p>9 knows this, but on page 6, paragraph 6b,</p> <p>10 there's a reference to 16 pills. I gave the</p> <p>11 bottle to --</p> <p>12 MR. DOHENY: I guess we can --</p> <p>13 MS. AVERY: Yeah, as I look at it,</p> <p>14 it doesn't look like 16. I don't know --</p> <p>15 MR. DOHENY: It looks like seven.</p> <p>16 MS. AVERY: I don't know whether I</p> <p>17 just grabbed the wrong bottle or what, but I</p> <p>18 will find out the answer and let you know.</p> <p>19 MR. DOHENY: This one has seven in</p> <p>20 it.</p> <p>21 BY MS. DOWNIE:</p> <p>22 Q. Mr. Campbell, do you have any information</p> <p>23 regarding, if you're looking at page 6, 6b</p> <p>24 asks how many tablets are in your or your</p> <p>25 attorney's possession. And as we've noted,</p>

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	Page 20
1	1 this bottle, as well as the tablets that you
2	2 sent Ms. Madoff that we've discussed, are you
3	3 in possession of any other tablets, Digitek
4	4 tablets?
5	5 MS. AVERY: Just off the record for
6	6 a second.
7	7 ----
8	8 (There was a discussion off the
9	9 record.)
10	10 ----
11	11 BY MS. DOWNIE:
12	12 Q. Mr. Campbell, when did you first learn that
13	13 you might have a claim regarding Digitek?
14	14 MS. AVERY: Objection to form.
15	15 A. When I received the recall.
16	16 Q. So you received a recall letter?
17	17 A. Yes.
18	18 Q. Do you recall when you received that?
19	19 A. Not the exact date, no.
20	20 Q. I'm going to ask you to keep your fact sheet
21	21 in front of you, because it may be that you'll
22	22 want to refer to it throughout the deposition.
23	23 A. Okay.
24	24 Q. If you turn to page 7, it indicates that you
25	25 became aware of the recall in early May of

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<p>1 2008.</p> <p>2 Is that consistent with your memory,</p> <p>3 or do you have a different memory regarding</p> <p>4 when you may have received that letter?</p> <p>5 A. It's consistent; I just have a bad memory.</p> <p>6 Q. Fair enough. Do you recall who sent that</p> <p>7 letter?</p> <p>8 A. I believe it was Rite Aid.</p> <p>9 Q. Did you keep a copy of it?</p> <p>10 A. I think I do have it, yes, at home.</p> <p>11 Q. If you could take a look for that and produce</p> <p>12 that to your attorney, because I don't think</p> <p>13 we've seen a recall letter in this case.</p> <p>14 MS. AVERY: I'll double check.</p> <p>15 Q. Do you recall what the recall letter said?</p> <p>16 A. No, ma'am, I don't.</p> <p>17 Q. What did you do, if anything, after receiving</p> <p>18 the recall letter?</p> <p>19 A. I called my heart doctor, and he told me to</p> <p>20 quit taking the pills immediately.</p> <p>21 Q. And who was your heart doctor at that time?</p> <p>22 A. Dr. Ellis.</p> <p>23 Q. And that was Dr. Gustov Ellis?</p> <p>24 A. Yes.</p> <p>25 Q. Did you talk to anybody else?</p>	<p>1 return them, the tablets to Rite Aid?</p> <p>2 A. Yes.</p> <p>3 Q. And I'm sorry, why didn't you do that?</p> <p>4 A. My doctor told me to quit taking them, so why</p> <p>5 would I return them? I mean, I didn't need</p> <p>6 them anymore.</p> <p>7 Q. Do you understand that if you return them, you</p> <p>8 might be entitled to a refund?</p> <p>9 MS. AVERY: Objection to form.</p> <p>10 Q. I'm sorry?</p> <p>11 A. No, they were going to replace them.</p> <p>12 Q. That's what the letter said?</p> <p>13 A. The letter said they would replace the pills.</p> <p>14 Q. Do you recall seeing any reference in the</p> <p>15 recall letter to a company called Stericycle?</p> <p>16 A. No.</p> <p>17 Q. When you stopped taking them, you just kept</p> <p>18 the tablets?</p> <p>19 A. I just left them, yes, left them in my pill</p> <p>20 bag.</p> <p>21 Q. Why was it that you didn't throw them away?</p> <p>22 A. I just didn't really think about it. I just</p> <p>23 left them in there.</p> <p>24 Q. When did you determine that you were going to</p> <p>25 contact an attorney regarding your ingestion</p>
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<p>1 A. About it?</p> <p>2 Q. About the recall.</p> <p>3 A. Actually, I think I talked to his associate as</p> <p>4 well.</p> <p>5 Q. Do you recall who the associate is?</p> <p>6 A. No, I'm not sure what her name was.</p> <p>7 Q. Other than telling you to stop taking the</p> <p>8 Digitek, did Dr. Ellis tell you or give you</p> <p>9 any further instruction?</p> <p>10 A. He just told me to stop taking it immediately.</p> <p>11 Q. Did you speak to the pharmacist at Rite Aid</p> <p>12 regarding the recall?</p> <p>13 A. No, I did not.</p> <p>14 Q. Do you recall whether or not the recall letter</p> <p>15 instructed you to do anything with the</p> <p>16 tablets; in other words, to destroy them,</p> <p>17 throw them away or return them?</p> <p>18 A. They asked to return them, they would replace</p> <p>19 them with new ones.</p> <p>20 Q. And did you do that?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. My doctor told me to quit taking them</p> <p>24 immediately.</p> <p>25 Q. Right. But you understood that you could</p>	<p>1 of Digitek?</p> <p>2 A. I got more letters, I think, and that's when I</p> <p>3 contacted the attorneys.</p> <p>4 Q. More letters from whom?</p> <p>5 A. I guess your company or whoever. I don't know</p> <p>6 who exactly it was. There was more letters</p> <p>7 that came about the recall.</p> <p>8 Q. Do you remember what they said?</p> <p>9 A. No, ma'am, I don't.</p> <p>10 Q. Do you remember how many letters?</p> <p>11 A. No, I don't.</p> <p>12 Q. So when did contact an attorney?</p> <p>13 A. I'm not sure of the date. It was awhile after</p> <p>14 I received the letter.</p> <p>15 Q. And why is it that you decided to contact an</p> <p>16 attorney?</p> <p>17 A. To recover my, what do you call it, my co-pays</p> <p>18 for buying this medicine.</p> <p>19 Q. Was that your primary concern at that time, to</p> <p>20 recover the co-pays?</p> <p>21 MS. AVERY: Objection to form.</p> <p>22 A. Pretty much.</p> <p>23 Q. And what attorney did you contact?</p> <p>24 A. I can't remember her name.</p> <p>25 Q. Was it the same firm that is currently</p>

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<p>1 representing you?</p> <p>2 A. No.</p> <p>3 Q. How is it that you found the attorneys that</p> <p>4 are currently representing you?</p> <p>5 A. The person I talked to referred me to them.</p> <p>6 Q. Had you seen any advertisements in newspapers</p> <p>7 or anything of that nature, magazines, on TV</p> <p>8 regarding litigation involving Digitek?</p> <p>9 A. Not that I remember, no.</p> <p>10 Q. And you don't remember what was in the letters</p> <p>11 that you received?</p> <p>12 A. No.</p> <p>13 Q. Did you retain copies of those?</p> <p>14 A. I might have. I'm not sure if I have them or</p> <p>15 not, to be honest with you.</p> <p>16 Q. Again, if you could take a look at them and</p> <p>17 provide them to your attorney.</p> <p>18 MS. AVERY: We'll take it under</p> <p>19 advisement.</p> <p>20 Q. Do you understand that this lawsuit that</p> <p>21 you're involved in is a class action?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Do you know what that means?</p> <p>24 MS. AVERY: Objection to form.</p> <p>25 A. Yeah, I'm representing the other people that</p>	<p>1 injuries that they're claiming?</p> <p>2 A. No, ma'am.</p> <p>3 MS. AVERY: Objection to form.</p> <p>4 Q. Do you have any information as to how you</p> <p>5 were selected to be class representative?</p> <p>6 MS. AVERY: Objection to form,</p> <p>7 mischaracterizes the testimony.</p> <p>8 A. Repeat that.</p> <p>9 Q. Do you know why you are a class</p> <p>10 representative?</p> <p>11 A. I had medicine.</p> <p>12 Q. Do you understand that there are certain</p> <p>13 obligations that a class representative has as</p> <p>14 opposed to a member of a class action?</p> <p>15 A. No.</p> <p>16 Q. So, you don't understand what the difference</p> <p>17 in those obligations are?</p> <p>18 MS. AVERY: Objection to form.</p> <p>19 A. Well, what do you mean?</p> <p>20 Q. I'm trying to find out what you mean. Do you</p> <p>21 understand what obligations a class</p> <p>22 representative has?</p> <p>23 MS. AVERY: Objection to form, calls</p> <p>24 for a legal conclusion.</p> <p>25 A. That I'm representing the other people that</p>
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<p>1 was taking this medicine as well.</p> <p>2 Q. Do you understand what your obligations are as</p> <p>3 a class representative?</p> <p>4 MS. AVERY: Objection to form.</p> <p>5 A. To try and recover the losses they had as</p> <p>6 well.</p> <p>7 Q. Do you understand that you could have filed a</p> <p>8 lawsuit simply on your own behalf, in other</p> <p>9 words, not be part of a class action?</p> <p>10 A. I'm sure I could have, yes.</p> <p>11 Q. Why is it that you decided you wanted to</p> <p>12 pursue this as a class action and be the</p> <p>13 representative?</p> <p>14 A. To help the other people that took a loss as</p> <p>15 well.</p> <p>16 Q. Have you met or spoken to any other members of</p> <p>17 this class?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Do you know any of their names or any of</p> <p>20 their --</p> <p>21 A. No, ma'am.</p> <p>22 Q. Do you know where they live or any of that</p> <p>23 information?</p> <p>24 A. No.</p> <p>25 Q. Do you have any information regarding the</p>	<p>1 maybe got injured by this medicine.</p> <p>2 Q. So, there are class representatives and then</p> <p>3 there are class members. Do you understand</p> <p>4 that difference?</p> <p>5 A. Yes.</p> <p>6 MS. AVERY: Objection to form.</p> <p>7 Q. Do you know why or how you were chosen to be a</p> <p>8 class representative rather than a class</p> <p>9 member?</p> <p>10 MS. AVERY: Objection to form.</p> <p>11 A. No.</p> <p>12 Q. Have you been promised anything other than</p> <p>13 recovery as a member of the class?</p> <p>14 A. No.</p> <p>15 Q. What is it that you're hoping to recover in</p> <p>16 this lawsuit?</p> <p>17 A. My co-pay for all the medicine and the co-pay</p> <p>18 for all of the people in the class action</p> <p>19 suit.</p> <p>20 Q. Now, as I understand it, you are bringing</p> <p>21 claims alleging that you were physically</p> <p>22 harmed by Digitek?</p> <p>23 A. I was very sick, yes.</p> <p>24 Q. And you're also claiming a financial injury;</p> <p>25 is that correct?</p>

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- 1 A. A financial injury, financially my co-pay.
 2 Q. And that's what was going to be my next
 3 question. So, your financial injury that
 4 you're alleging is your co-pay amount; is that
 5 correct?
 6 A. Yes.
 7 Q. And what was your co-pay?
 8 A. I don't remember. It's been awhile since I've
 9 taken it. It's changed.
 10 Q. Can you give me an idea, a range, any idea of
 11 what your co-pay was?
 12 A. I'm not really sure.
 13 Q. Do you still have the same health insurance
 14 that you had at that time?
 15 A. No, I believe that's changed as well.
 16 Q. What was it at that time?
 17 A. I can't remember.
 18 Q. What is your health insurance now?
 19 A. ~~REDACTED~~ I believe it is.
 20 Q. Do you have any idea how long you've been with
 21 ~~REDACTED~~
 22 A. No, I don't.
 23 Q. Do you have any idea who any of your prior
 24 health insurers may have been?
 25 A. No, ma'am.

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- 1 Q. What is your current co-pay for medications?
 2 A. I think it's -- it depends. I think it's like
 3 \$5 or \$10.
 4 Q. Do you have any idea how many times you filled
 5 a prescription for Digitek?
 6 A. No, ma'am.
 7 Q. Now, your fact sheet indicates that you are
 8 not claiming any injury for mental or
 9 emotional distress; is that correct?
 10 A. Yeah.
 11 Q. It also indicates that you are not making a
 12 lost wage claim; is that correct?
 13 A. Yes.
 14 Q. You are part of a medical monitoring class.
 15 Do you understand that?
 16 A. Yes.
 17 Q. What does medical monitoring mean to your
 18 knowledge, to your understanding?
 19 A. To monitor me for any type of change in my
 20 health.
 21 MS. AVERY: Note an objection with
 22 respect to the line of questioning. Go ahead.
 23 MR. DOHENY: Are you still making a
 24 medical monitoring claim?
 25 MS. AVERY: I think Judge Goodwin

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- 1 has made it somewhat clear that he is not
 2 going to certify a class with respect to
 3 medical monitoring, that's my understanding.
 4 MS. DOWNIE: I think that's clear
 5 too. I think our dilemma is that the
 6 complaint has not been amended, and it's still
 7 part of Mr. Campbell's --
 8 MS. AVERY: We can work out some
 9 stipulation with respect to amendments and
 10 stuff.
 11 MS. DOWNIE: Are you able to
 12 stipulate today that Mr. Campbell is not going
 13 to be pursuing a medical monitoring claim on
 14 behalf of the class, or to himself?
 15 MS. AVERY: I thought something had
 16 been said with respect to that.
 17 MS. DOWNIE: There may have been
 18 some E-mail communications, but I haven't seen
 19 anything more than that, in letter or again in
 20 amendment to the complaint. If we can have a
 21 stipulation on the record, then I won't pursue
 22 that.
 23 MS. AVERY: Well, I think I've
 24 indicated Judge Goodwin has made it clear that
 25 he's not going to certify a class on behalf of

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- 1 medical monitoring.
 2 MS. DOWNIE: I appreciate that, and
 3 I think you're probably right, but I need to
 4 know that you're not -- that that claim is not
 5 going --
 6 MS. AVERY: It certainly doesn't
 7 behoove us to file a motion for class
 8 certification on behalf of medical monitoring
 9 class when the Judge has told us he's not
 10 going to certify that class.
 11 MS. DOWNIE: I couldn't agree with
 12 you more.
 13 MS. AVERY: So why don't we proceed.
 14 MS. DOWNIE: I couldn't agree with
 15 you more. But I do need you to tell me that
 16 you aren't pursuing that claim, then,
 17 otherwise I need to ask the questions.
 18 MS. AVERY: Why don't we go off the
 19 record for a second.
 20 ----
 21 (There was a discussion off the
 22 record.)
 23 ----
 24 MS. AVERY: We'll note for the
 25 record in light of Judge Goodwin's comments

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<p>1 regarding the medical monitoring, we are not 2 going to proceed with the medical monitoring 3 count. 4 MS. DOWNIE: Thank you. 5 BY MS. DOWNIE: 6 Q. Mr. Campbell, can you turn to page 14 of your 7 fact sheet. At the top at page 9, it asks you 8 for insurance company, other company, Medicare 9 or Medicaid provided medical coverage to you 10 or paid medical bills on your behalf in the 11 last ten years. And it indicates that the 12 company was 13 ... And it says dates of service were 14 approximately 2006 to present. 15 Does that refresh your recollection 16 at all regarding who your insurer was or who 17 was paying your medical bills and bills for 18 medications during the time period 2006 to 19 present? 20 A. Yes. 21 Q. So that would have been the company to whom 22 you were submitting your bills for payment for 23 medications? 24 A. Yes, ma'am. 25 Q. So, it would have been them that collected</p>	<p>1 MS. DOWNIE: I appreciate your 2 question. 3 BY MS. DOWNIE: 4 Q. Other than documents that you may have 5 reviewed in connection with meeting with an 6 attorney or otherwise, with your attorney, was 7 there anything else that you looked at in 8 preparation for your deposition -- 9 MS. AVERY: Well, I'll withdraw the 10 objection, I just want to know if you're 11 willing to have your client answer the same 12 question. 13 MS. DOWNIE: I can't stipulate to 14 that during this deposition, different 15 question, different time, different 16 situation. I'm not going to back myself into 17 a corner on that. I'll ask him the question, 18 you object, we'll move on. 19 MS. AVERY: That's a very typical 20 defense tactic. You can answer the question. 21 Well, why doesn't the court reporter read back 22 the question. 23 ---- 24 (The record was read back by 25 the Court Reporter.)</p>
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<p>1 your co-pay, is that correct, or through -- 2 A. Yes, I understand what you're saying. Yes. 3 Q. Okay, thank you. Does that refresh your 4 recollection at all any further about what the 5 amount was of that co-pay? 6 A. No, ma'am, it don't. 7 Q. In preparing for your deposition today, other 8 than meeting with your attorney, did you meet 9 with anybody else? 10 A. No, ma'am. 11 Q. Did you review any documents in preparation 12 for your deposition today? 13 A. Yes. 14 Q. What did you review? 15 MS. AVERY: Objection -- well, let 16 me ask you this, you obviously asked the 17 question because you believe it's a proper 18 question to ask; right? 19 MS. DOWNIE: Uh-huh. 20 MS. AVERY: Is that a yes? 21 MS. DOWNIE: That's a yes. 22 MS. AVERY: If we ask that exact 23 same question of your clients or any of the 24 defense witnesses, are you going to allow your 25 clients to answer that question?</p>	<p>1 ---- 2 MS. AVERY: Just note for the record 3 I'll withdrawal the objection that I stated. 4 A. Just the papers here. 5 Q. Your fact sheet? 6 A. Uh-huh. 7 Q. Was there anything else that you can think of? 8 A. No. 9 Q. Do you maintain, or do you have any records 10 regarding your use of Digitek? 11 MS. AVERY: Objection to form. 12 A. Can you repeat that. 13 Q. Do you have any records or documents relating 14 to your use of Digitek? And when I say your 15 use of Digitek, I mean if you have any 16 pharmaceutical records, prescription records 17 or medical records in your possession 18 regarding your use of Digitek? 19 A. No, ma'am. 20 Q. We have a document here which we'll go ahead 21 and mark as Exhibit No. 3. 22 ---- 23 (Deposition Exhibit No. 3 was 24 marked for identification.) 25 ----</p>

9 (Pages 33 to 36)

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1 MS. AVERY: Let me just explain to
2 the witness, because I don't know how many
3 documents you're going to be showing him or
4 anything else. Lawyers in cases, in order to
5 keep documents straight, put what are called
6 either Bates numbers or document control
7 numbers on documents. You'll see in the
8 bottom right-hand corner, this has a Campbell,
9 a bunch of zeros and a 1, that's sometimes
10 referred to as a document control number or
11 Bates number.

12 So, if Ericka shows you documents,
13 she'll probably refer to that number. So,
14 don't be surprised, and you can use that
15 number to describe a particular document.
16 That way it's always clear on the record,
17 because the court reporter doesn't have a
18 photograph of the document in the record,
19 exactly what page it is that's being talked
20 about. Okay?

21 THE WITNESS: Okay.

22 BY MS. DOWNIE:

23 Q. I've showed you what we've marked as Exhibit
24 No. 3. And as I understand it, it a photocopy
25 of the outside of the pill bottle that we have

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1 here with us today for the deposition.

2 Is that your understanding as well?

3 A. Yes.

4 Q. Other than this bottle, which indicates a
5 prescription that was filled by you at Rite
6 Aid for Digitek, do you have any other
7 bottles, prescription records or anything of
8 that nature showing your usage of Digitek?

9 A. No, ma'am, I don't.

10 Q. And let's just go over this a little bit, what
11 we're looking at right now. It indicates that
12 the date filled was January 28, 2008; is that
13 correct?

14 A. Yes.

15 MS. AVERY: The document speaks for
16 itself.

17 Q. And it is a dosage of 125 microgram tablets;
18 is that right?

19 A. Yes, ma'am.

20 Q. And I believe it's Dr. Gustov Ellis; is that
21 right?

22 A. Yes.

23 Q. So, was he the doctor who prescribed this for
24 you?

25 A. Yes, ma'am.

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1 Q. It indicates that this prescription was filled
2 at Rite Aid; is that correct?

3 A. Yes, ma'am.

4 Q. Now, is Rite Aid where you would typically
5 have your prescriptions filled?

6 A. Yes, ma'am.

7 Q. To your knowledge, did you have all of your
8 prescriptions for Digoxin and/or Digitek
9 filled at this Rite Aid?

10 A. To my knowledge, yes.

11 Q. Would there potentially have been any other
12 pharmacies at which you would have filled a
13 prescription for Digitek?

14 A. No, not that I can think of.

15 Q. This indicates that the original prescription
16 date was May 8, 2007. Do you see that? It's
17 after the date filled date.

18 A. Yes.

19 MS. AVERY: You mean where it says
20 original RX date?

21 MS. DOWNIE: That's correct.

22 A. Yes.

23 Q. And it also indicates that there were no
24 refills left; is that correct?

25 A. Yes, ma'am.

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1 Q. Do you know when you originally received a
2 prescription for Digitek?

3 MS. AVERY: You mean of this series
4 or ever?

5 Q. Of this series, and then we'll go back.

6 A. No.

7 Q. How about ever?

8 A. No. I'm not real sure when I started this
9 medication.

10 Q. When Dr. Ellis would write a prescription for
11 Digitek to you, do you have any memory or
12 recollection regarding how many refills he
13 would typically put on that prescription for
14 Digitek?

15 MS. AVERY: Objection to form.

16 A. No, I'm not really sure exactly how many
17 refills.

18 Q. Do you know how many tablets you would receive
19 in each prescription when it was filled?

20 A. Usually 90.

21 Q. So, it was usually a prescription for a
22 quantity of 90 tablets?

23 A. Yes.

24 Q. Now, this indicates that there were no refills
25 left. Did you at any time return to Dr. Ellis

10 (Pages 37 to 40)

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REDACTED

- 1 after I got diagnosed with the heart problem.
- 2 So, I try to walk, but with my back, it
- 3 depends.
- 4 Q. When did you retire, or when did you stop
- 5 working rather?
- 6 A. It was last year or the year before is when I
- 7 was done working.
- 8 Q. Was that 2008 or 2007?
- 9 A. Yeah, 2007 I believe it was.
- 10 Q. Again, just for clarification, you've made
- 11 some reference to your work. What kind of
- 12 work did you do?
- 13 A. I was a painter.
- 14 Q. Did you work for a company or were you self-
- 15 employed?
- 16 A. No, I worked for a company.
- 17 Q. What kinds of painting would you do,
- 18 commercial, residential?
- 19 A. It was truck bodies.
- 20 Q. And how long had you done that kind of work?
- 21 A. I painted for 20 years.
- 22 Q. Do you drink alcohol?
- 23 A. No.
- 24 Q. Do you smoke?
- 25 A. On occasion.

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<p>1 A. Mr. McCaslin.</p> <p>2 MS. AVERY: Do you need to take a</p> <p>3 break or do you just need to stand?</p> <p>4 THE WITNESS: No, I'll just stand.</p> <p>5 BY MS. DOWNIE:</p> <p>6 Q. Other than the medications that we've already</p> <p>7 talked about, are there any other medications</p> <p>8 that you're currently taking?</p> <p>9 A. No.</p> <p>10 Q. To the best of your recollection, were there</p> <p>11 any other medications that you were taking,</p> <p>12 other than Digitek, which we'll talk about, in</p> <p>13 May of 2008?</p> <p>14 A. Not that I can think of.</p> <p>15 Q. Do you regularly take any over-the-counter</p> <p>16 medications?</p> <p>17 A. Aspirin.</p> <p>18 Q. Anything other than that?</p> <p>19 A. No.</p> <p>20 Q. Do you take any vitamins or herbal</p> <p>21 supplements?</p> <p>22 A. The Vitamin D and calcium tablets.</p> <p>23 Q. But nothing other than that?</p> <p>24 A. No.</p> <p>25 Q. Looking at page 10 of your fact sheet, it asks</p>	<p>1 A. I don't know exact times and dates, no.</p> <p>2 Q. When were you first prescribed Digitek?</p> <p>3 A. When I first got the heart problems.</p> <p>4 Q. Was Dr. Ellis the physician who prescribed</p> <p>5 that to you?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Now, the dosage on this bottle is .125</p> <p>8 milligrams. To your knowledge, has your</p> <p>9 dosage always been .125 milligrams, or has it</p> <p>10 changed over time?</p> <p>11 A. No, I started out on a stronger dose.</p> <p>12 Q. And what would that dose have been, do you</p> <p>13 remember?</p> <p>14 A. Whatever the next one is up is, I don't know,</p> <p>15 12-something I think it was -- not 12. I</p> <p>16 can't remember exactly, all I know it was a</p> <p>17 stronger one.</p> <p>18 Q. How long were you on the stronger dose?</p> <p>19 A. I'm not really sure.</p> <p>20 Q. Do you have any recollection as to whether or</p> <p>21 not it would have been less than a year, less</p> <p>22 than six months?</p> <p>23 A. Yeah, I believe it was less than a year.</p> <p>24 Q. And then at some point Dr. Ellis lowered your</p> <p>25 dosage?</p>
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<p>1 about specific types of cardiovascular</p> <p>2 diagnostic tests that you've had. And the</p> <p>3 first one is a stress test and an EKG and an</p> <p>4 ultrasound. And it appears that all of those</p> <p>5 have been prescribed by Dr. Ellis?</p> <p>6 A. Yes.</p> <p>7 Q. And that you have those conducted annually; is</p> <p>8 that correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. When did you begin having those annual tests</p> <p>11 performed?</p> <p>12 A. When I got diagnosed with the heart problems.</p> <p>13 Q. It indicates here that the results of the</p> <p>14 diagnostic tests is stable?</p> <p>15 A. Yes.</p> <p>16 Q. To your knowledge, has there ever been any</p> <p>17 other result of those diagnostic tests other</p> <p>18 than stable?</p> <p>19 A. When I first got diagnosed, yes.</p> <p>20 Q. Do you know what those results were?</p> <p>21 A. No, I don't.</p> <p>22 Q. Do you know, after you were put on medication</p> <p>23 after that hospitalization, when your results</p> <p>24 began to -- you began to see stable results on</p> <p>25 those tests?</p>	<p>1 A. Yes.</p> <p>2 Q. Were there any other changes in your dosage</p> <p>3 other than that dosage change we just</p> <p>4 discussed?</p> <p>5 A. Not that I can think of.</p> <p>6 Q. I believe you indicated that you stopped</p> <p>7 taking Digitek after you received the recall</p> <p>8 notice and spoke to Dr. Ellis; is that</p> <p>9 correct?</p> <p>10 A. Yes, he told me to quit taking it</p> <p>11 immediately.</p> <p>12 Q. At any time other than that, did you stop</p> <p>13 taking Digitek for any period of time, between</p> <p>14 the time you first started taking it and after</p> <p>15 you stopped taking it in 2008?</p> <p>16 A. No, ma'am.</p> <p>17 Q. You indicated that you filled your</p> <p>18 prescription at Rite Aid; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Now, when Dr. Ellis would write a prescription</p> <p>21 for your medication, do you know if he wrote a</p> <p>22 prescription for Digitek or Digoxin?</p> <p>23 A. I believe originally I started on Digoxin, was</p> <p>24 the original dose, or the medicine.</p> <p>25 Q. Do you have any knowledge as to when that</p>

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<p>1 changed?</p> <p>2 A. Something with the insurance, that's when it</p> <p>3 changed to Digitek.</p> <p>4 Q. Do you know when that was?</p> <p>5 A. No, ma'am, I don't.</p> <p>6 Q. Would it have been before you filled this</p> <p>7 prescription in January of 2008?</p> <p>8 A. Would what have been?</p> <p>9 Q. The change with your insurance.</p> <p>10 A. Oh, yeah.</p> <p>11 Q. Now, when you first started taking Digoxin,</p> <p>12 did you have any discussion with Dr. Ellis</p> <p>13 regarding what the medication was supposed to</p> <p>14 do for you?</p> <p>15 A. No, I didn't. I'm sure he has told me, but,</p> <p>16 you know, I don't remember exactly.</p> <p>17 Q. Do you remember if he discussed with you</p> <p>18 whether or not there were any risks associated</p> <p>19 with taking that medication?</p> <p>20 A. No, I don't remember.</p> <p>21 Q. Did he explain to you any benefits that were</p> <p>22 associated with taking the medication?</p> <p>23 A. He just told me I needed it.</p> <p>24 Q. With any of the medications that Dr. Ellis has</p> <p>25 prescribed for you, has he ever gone through</p>	<p>1 Q. Did you do any research regarding Digoxin or</p> <p>2 Digitek when you first started taking it?</p> <p>3 A. No, I just -- my doctor told me I needed this</p> <p>4 medicine and I took it. You know, I got faith</p> <p>5 in him. I hate to be this way, but I got to</p> <p>6 use the men's room again.</p> <p>7 Q. Oh, that's quite all right.</p> <p>8 -----</p> <p>9 (There was a recess in the</p> <p>10 proceedings.)</p> <p>11 -----</p> <p>12 BY MS. DOWNIE:</p> <p>13 Q. Have you ever known anybody else who took</p> <p>14 Digitek or Digoxin?</p> <p>15 A. No, ma'am.</p> <p>16 Q. I understand from your earlier testimony, you</p> <p>17 haven't spoken to any of your class members</p> <p>18 about their ingestion; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Other than talking to your doctor about</p> <p>21 Digitek or Digoxin, did you speak to anybody</p> <p>22 else while you were taking the drug about the</p> <p>23 drug?</p> <p>24 A. No.</p> <p>25 Q. Ever talk to your pharmacist about the</p>
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<p>1 the process of describing to you what some of</p> <p>2 the risks and what some of the benefits would</p> <p>3 be of taking that medication?</p> <p>4 MS. AVERY: Objection to form.</p> <p>5 A. I'm sure he has.</p> <p>6 Q. Do you have any specific --</p> <p>7 A. No specifics. He's a very, you know, very</p> <p>8 good doctor. He's very blunt, right to the</p> <p>9 point.</p> <p>10 Q. But you don't have any specific recollection?</p> <p>11 A. No, I don't.</p> <p>12 Q. When you first filled a prescription for</p> <p>13 Digoxin, do you recall whether or not when you</p> <p>14 received the prescription you read any</p> <p>15 materials, any information or materials that</p> <p>16 were provided to you at that time?</p> <p>17 A. I'm sure I did. I usually like to know what</p> <p>18 I'm taking. I'm sure I did, but not the</p> <p>19 specifics. I can't remember.</p> <p>20 Q. Do you know or recall whether or not you ever</p> <p>21 read any of the materials that came with your</p> <p>22 prescription for Digoxin or Digitek after that</p> <p>23 first time when you first had it filled, the</p> <p>24 prescription filled, if that makes sense?</p> <p>25 A. No.</p>	<p>1 medications you were taking?</p> <p>2 A. No.</p> <p>3 Q. Do you know who your pharmacist was? Is there</p> <p>4 the same person there?</p> <p>5 A. No, they're different all the time.</p> <p>6 Q. Other than talking to Dr. Ellis, have you</p> <p>7 talked to Dr. McCaslin about taking Digitek or</p> <p>8 Digoxin?</p> <p>9 A. Not that I can remember.</p> <p>10 Q. Have you talked to Dr. McCaslin about the</p> <p>11 recall?</p> <p>12 A. No.</p> <p>13 Q. Have you talked to either Dr. McCaslin or</p> <p>14 Dr. Ellis about this lawsuit?</p> <p>15 A. No, not really, not that I can think of.</p> <p>16 Q. When was the last time you saw Dr. Ellis?</p> <p>17 A. April I believe of this year.</p> <p>18 Q. Do you have another scheduled appointment with</p> <p>19 him?</p> <p>20 A. I'm sure I do, I'm just not sure of the date.</p> <p>21 Q. How often at this point do you see him</p> <p>22 regularly?</p> <p>23 A. I believe it's annually now.</p> <p>24 Q. So, it's an annual visit unless there's a</p> <p>25 problem that comes up?</p>

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<p>1 A. Yes.</p> <p>2 Q. Did you actually see him after you received</p> <p>3 notice of the recall?</p> <p>4 A. No.</p> <p>5 Q. You just spoke to him on the phone?</p> <p>6 A. Yes.</p> <p>7 Q. And as I recall from your earlier testimony,</p> <p>8 you indicated that he told you to stop taking</p> <p>9 the Digitek; is that correct?</p> <p>10 A. Yes, he said stop taking it immediately.</p> <p>11 Q. Did he put you on any other medications at</p> <p>12 that time?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Has he put you on any other type of</p> <p>15 medications since that conversation?</p> <p>16 A. The Avalide.</p> <p>17 Q. I'm sorry, you may have said this, but when</p> <p>18 you start taking the Avalide?</p> <p>19 A. I'm not exactly sure of the exact date.</p> <p>20 Q. When you received your Digitek prescription,</p> <p>21 did it always come in a bottle like that, a</p> <p>22 prescription bottle?</p> <p>23 A. Yes.</p> <p>24 Q. And when you paid for your Digitek, we</p> <p>25 identified I think your health insurer during</p>	<p>1 Q. In 2008, were you having bloodwork done</p> <p>2 generally on an annual basis, or was it more</p> <p>3 often, if you recall?</p> <p>4 A. They surprise me, you know, when I go in, hey,</p> <p>5 we need blood.</p> <p>6 Q. How often do you see Dr. McCaslin?</p> <p>7 A. Every six months.</p> <p>8 Q. And if you would have bloodwork done, where</p> <p>9 would you go to have that performed?</p> <p>10 A. They usually draw it right there.</p> <p>11 Q. And how about with Dr. Ellis, would he also</p> <p>12 draw it right there, or would he send you</p> <p>13 somewhere?</p> <p>14 A. They would send me to the Heritage Valley</p> <p>15 place to take it.</p> <p>16 Q. Sewickley?</p> <p>17 A. Well, it's in Moon, but it's Heritage Valley,</p> <p>18 another.</p> <p>19 Q. Got ya. To your knowledge, has Dr. Ellis or</p> <p>20 Dr. McCaslin called you, or somebody from</p> <p>21 their office called you concerned about any of</p> <p>22 the bloodwork results?</p> <p>23 A. When I had the cholesterol medicine, yes, they</p> <p>24 had called me.</p> <p>25 Q. Other than that cholesterol, anything else?</p>
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<p>1 that time period. And I think you also</p> <p>2 indicated that you had a co-pay that you would</p> <p>3 pay for that medication; is that right?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. But you can't recall how much that co-pay was?</p> <p>6 A. No, it changed.</p> <p>7 Q. Let me ask you, do you have any recollection</p> <p>8 as to whether or not it would have been more</p> <p>9 than \$10?</p> <p>10 A. No.</p> <p>11 Q. After you started taking Digitek, do you</p> <p>12 recall whether or not Dr. Ellis ever indicated</p> <p>13 that he was going to need to test you on a</p> <p>14 regular basis, have bloodwork done or any</p> <p>15 other kind of test to monitor you?</p> <p>16 A. They do bloodwork, that's all I know, they do</p> <p>17 bloodwork on me, Dr. McCaslin and Dr. Ellis.</p> <p>18 Q. How often do they do bloodwork on you?</p> <p>19 A. Geez, I'm not really sure. I mean, I just had</p> <p>20 it done, I know that, but.</p> <p>21 Q. Is it annual?</p> <p>22 A. Sometimes more often I believe, yes.</p> <p>23 Q. As of May of 2008, do you recall when prior to</p> <p>24 that you had had bloodwork done?</p> <p>25 A. No, I don't recall.</p>	<p>1 A. No, not that I can think of, no.</p> <p>2 Q. Do you know whether or not Dr. Ellis or</p> <p>3 Dr. McCaslin has ever testified your serum</p> <p>4 Digoxin levels?</p> <p>5 A. I have no clue what they test for, no.</p> <p>6 Q. Have you ever been told that you had an</p> <p>7 elevated serum Digoxin level?</p> <p>8 A. No.</p> <p>9 Q. Have you ever talked to anybody from either</p> <p>10 one of our clients, Actavis or Mylan?</p> <p>11 A. Not that I remember, no.</p> <p>12 Q. Have you ever had any written contact with</p> <p>13 anybody from our clients?</p> <p>14 MS. AVERY: I assume you mean aside</p> <p>15 from us obviously?</p> <p>16 MS. DOWNIE: Yeah, thank you.</p> <p>17 A. No.</p> <p>18 Q. Did Dr. Ellis or Dr. McCaslin ever provide you</p> <p>19 with any samples of Digitek or Digoxin?</p> <p>20 A. No.</p> <p>21 Q. Do you ever remember seeing any other name on</p> <p>22 your prescription bottle other than Digitek or</p> <p>23 Digoxin?</p> <p>24 A. No.</p> <p>25 Q. When you took your Digitek or Digoxin, when</p>

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<p>1 them filled for Digitek, were for 90 days; is</p> <p>2 that correct?</p> <p>3 A. Yes.</p> <p>4 Q. So, would you sometimes get your prescriptions</p> <p>5 filled before that 90-day supply would run</p> <p>6 out?</p> <p>7 A. Yes, I believe I did, yes.</p> <p>8 Q. And you would just keep those extras?</p> <p>9 A. Yeah, I was like ahead of the game, if you</p> <p>10 want to put it that way.</p> <p>11 Q. Do you know how many extras you had at the</p> <p>12 time that you filled your prescription in</p> <p>13 January of 2008?</p> <p>14 A. No, I wouldn't.</p> <p>15 Q. Do you know if it would have been just a few,</p> <p>16 more than five?</p> <p>17 A. I have no clue.</p> <p>18 Q. 20, 30?</p> <p>19 A. No, I'm sure it wasn't that many, but I mean,</p> <p>20 it was a few extras. I don't know how exactly</p> <p>21 many extras, but, you know.</p> <p>22 Q. Would you typically take those extras before</p> <p>23 beginning the new bottle?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. So, in May of 2008, is it fair to say that you</p>	<p>1 A. I have no clue.</p> <p>2 Q. How long after you took your medication in the</p> <p>3 morning did you begin to feel, as you've</p> <p>4 termed it, sick?</p> <p>5 A. I have not a clue. It's been awhile. I mean,</p> <p>6 all I know is I was ill.</p> <p>7 Q. Tell me exactly how you were feeling.</p> <p>8 A. Dizzy, nausea, you know, I had palpitations.</p> <p>9 I just wasn't feeling great at all.</p> <p>10 Q. Did you throw up?</p> <p>11 A. Yes, I did.</p> <p>12 Q. How many times?</p> <p>13 A. Just once that I know of.</p> <p>14 Q. How long did these symptoms last?</p> <p>15 A. Quite awhile, that's all I know, is awhile,</p> <p>16 because my sisters and my niece and that</p> <p>17 wanted me to go see the doctor because I</p> <p>18 wasn't feeling good, I wasn't looking good.</p> <p>19 Q. When you say quite awhile, that means</p> <p>20 different things to different people, so.</p> <p>21 A. I'm not exactly sure on exact times and dates,</p> <p>22 but I was sick for awhile.</p> <p>23 Q. Was it more than a day or two days?</p> <p>24 A. Oh, yeah, definitely.</p> <p>25 Q. Was it more than a week?</p>
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<p>1 probably had already taken those tablets from</p> <p>2 the previous prescription and were only taking</p> <p>3 pills out of that bottle?</p> <p>4 A. I would say yes.</p> <p>5 Q. At any time that you were taking Digitek, did</p> <p>6 you ever notice anything unusual regarding</p> <p>7 their appearance?</p> <p>8 A. No.</p> <p>9 Q. Did you ever notice whether or not any of them</p> <p>10 looked larger or smaller than you had</p> <p>11 typically seen them appear?</p> <p>12 A. No, ma'am. All I knew is they were my</p> <p>13 medicine, I took them, you know.</p> <p>14 Q. Now, you claim in your fact sheet that you</p> <p>15 suffered injuries as a result of taking the</p> <p>16 Digitek.</p> <p>17 A. I was sick.</p> <p>18 Q. When did you first begin suffering symptoms?</p> <p>19 A. I can't give you an exact date, all I know is</p> <p>20 I was sick.</p> <p>21 Q. Why don't we try this, was it a weekday or on</p> <p>22 a weekend?</p> <p>23 A. I'm not really sure.</p> <p>24 Q. Was it in the morning or the afternoon or the</p> <p>25 evening?</p>	<p>1 A. I would say, yes.</p> <p>2 Q. Was it more than two weeks?</p> <p>3 A. Yes, definitely.</p> <p>4 Q. More than three weeks?</p> <p>5 A. It was probably a month anyhow, let's put it</p> <p>6 that way. It might have even been more.</p> <p>7 Q. During that month that you weren't feeling</p> <p>8 well, and you've already said you were feeling</p> <p>9 dizzy, nauseous and palpitations. Can you</p> <p>10 describe for me any other way that you were</p> <p>11 feeling, any other symptoms that you were</p> <p>12 having.</p> <p>13 A. Chest pains, tired, very tired. I would just</p> <p>14 collapse, you know, pass out. I slept quite a</p> <p>15 bit.</p> <p>16 Q. Did you call the doctor during this time</p> <p>17 period?</p> <p>18 A. No.</p> <p>19 Q. Why not?</p> <p>20 A. Stubborn, I'm sick of doctors.</p> <p>21 Q. I'm guessing you probably didn't go to a</p> <p>22 hospital or an ER?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you speak to anybody in your doctor's</p> <p>25 office about how you were feeling?</p>

22 (Pages 85 to 88)

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1 A. Nope. I just figured it was my normal heart
2 deal that was making me feel bad, I thought I
3 was going with the program.
4 Q. You indicated that you received a recall
5 letter sometime in May of 2008; is that
6 correct?
7 A. Yes.
8 Q. You also testified that you stopped taking
9 your Digitek per Dr. Ellis' recommendation
10 right away; is that right?
11 A. Yes.
12 Q. So, when you were feeling bad in May of 2008,
13 were you feeling -- put that in perspective
14 for me as to when you stopped taking your
15 medication.
16 A. Excuse me, you lost me.
17 Q. Fair enough. You've testified that you
18 stopped taking the medication in May of 2008?
19 A. Yes, ma'am.
20 Q. And that you also were suffering symptoms
21 related to your ingestion of Digitek in May of
22 2008, and that those symptoms lasted for a
23 month?
24 MS. AVERY: He said approximately.
25 A. Approximately a month, yes.

Page 90

1 Q. Okay. So, did you stop taking Digitek before
2 you started feeling these symptoms?
3 A. Before I started feeling the symptoms?
4 Q. That you've just testified to.
5 A. No, I didn't stop taking it.
6 Q. Did you stop taking Digitek during the time
7 period that you were experiencing the
8 symptoms?
9 A. No.
10 Q. How long after the symptoms stopped did you
11 stop taking Digitek?
12 A. I can't really tell you. I don't know. I'm
13 not really exactly sure how long. I was sick,
14 you know, I'm not really sure how long it took
15 afterwards that I was feeling better.
16 MS. AVERY: Off the record.
17 ----
18 (There was a discussion off the
19 record.)
20 ----
21 (Luncheon recess at 12:03 p.m. At
22 12:49 p.m., the deposition was reconvened as
23 follows):
24 ----
25 BY MS. DOWNIE:

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1 Q. We were talking before we took a break about
2 May of 2008 and the injury that you believe
3 that you suffered. And you had described for
4 me some of the symptoms that you felt you
5 suffered, and you had indicated that the
6 symptoms lasted approximately a month.
7 MS. AVERY: I think it's clear for
8 the record he was guestimating, but go ahead.
9 MS. DOWNIE: Yeah, and that's why I
10 said approximate.
11 BY MS. DOWNIE:
12 Q. How long -- this may have been answered, and I
13 apologize if it was. But how long after you
14 started experiencing symptoms was it until you
15 received the recall letter?
16 A. Oh, I don't have a clue, I really don't have a
17 clue.
18 Q. Now, you testified that you were feeling ill
19 for a period of time?
20 A. Yes.
21 Q. Tell me who was around you during that time
22 that could testify or would have information
23 regarding how you were feeling during that
24 time period.
25 A. My sister, my niece and my roommate.

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1 Q. What is your sister's name?
2 A. *REDACTED*
3 Q. And your niece?
4 A. *REDACTED*
5 Q. And your roommate?
6 A. *REDACTED*
7 MS. AVERY: Just so you're aware,
8 they're identified in the plaintiff fact
9 sheet.
10 MS. DOWNIE: Okay.
11 Q. And they were around you during the entire
12 time that you were feeling poorly?
13 A. Cathy was anyway. My sister and my niece,
14 yes, they were in and out.
15 Q. And I think you previously testified that you
16 did not speak to any physicians during that
17 time about how you were feeling?
18 A. No.
19 Q. And you did not go to the hospital to seek
20 medical treatment?
21 A. No, I did not.
22 Q. So, did it resolve on its own, or was there --
23 did you do anything, take any kind of
24 medication or treatment?
25 A. No, it just sort of went away.

23 (Pages 89 to 92)

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<p>1 A. No.</p> <p>2 Q. Then why do you believe that it was related to</p> <p>3 your ingestion of Digitek?</p> <p>4 A. It went away after I quit taking it.</p> <p>5 Q. Well, when did you quit taking it and when was</p> <p>6 that related to how you were feeling?</p> <p>7 A. I quit taking it when the doctor told me to.</p> <p>8 Q. Right.</p> <p>9 A. But I wasn't -- a week or two after that, I</p> <p>10 was feeling better, a couple of weeks after</p> <p>11 that, and I was feeling sort of back to normal</p> <p>12 again. I mean, the nausea, the dizziness and</p> <p>13 all that sort of tamed down.</p> <p>14 Q. Again, I'm just trying to understand timing.</p> <p>15 So, you're saying that you started to feel</p> <p>16 better after you stopped taking it?</p> <p>17 A. Yeah, not right away, but it took a little</p> <p>18 while, but yes.</p> <p>19 Q. So, were you still feeling ill at the time</p> <p>20 that you received the recall letter?</p> <p>21 A. When I received the recall, oh, yeah, I was</p> <p>22 definitely ill when I received the recall</p> <p>23 letter. I was ill before that.</p> <p>24 Q. And you called Dr. Ellis about the recall</p> <p>25 letter; correct?</p>	<p>1 I'm bullheaded, I went to bed.</p> <p>2 Q. But he didn't want to see you?</p> <p>3 A. He didn't say that he didn't want to see me,</p> <p>4 he just told me to quit taking the medicine,</p> <p>5 and that was it.</p> <p>6 Q. When was the next time you spoke to him?</p> <p>7 A. This past March when I went to my visit.</p> <p>8 Q. Have you seen him since March?</p> <p>9 A. No.</p> <p>10 Q. Have you talked to him since March?</p> <p>11 A. No.</p> <p>12 Q. So, just so I'm clear, you spoke to him in May</p> <p>13 of 2008 when you received the recall letter?</p> <p>14 A. Uh-huh.</p> <p>15 Q. And then you spoke to him and saw him in March</p> <p>16 of 2009; is that right?</p> <p>17 A. Yep.</p> <p>18 Q. And you haven't seen or spoken to him at any</p> <p>19 other time since May of 2008?</p> <p>20 A. Nope.</p> <p>21 Q. Since May of 2008, have you spoken to any</p> <p>22 other physicians about Digitek and/or how you</p> <p>23 were feeling in May of 2008?</p> <p>24 A. No.</p> <p>25 Q. Now, you said you think now that you may have</p>
Page 98	Page 100
<p>1 A. I called him when I got the letter, yes.</p> <p>2 Q. But you didn't talk to him about how you were</p> <p>3 feeling?</p> <p>4 A. I think I did say something to him about me</p> <p>5 being sick.</p> <p>6 Q. Oh, you did?</p> <p>7 A. I might have, yes.</p> <p>8 Q. What would you maybe have said?</p> <p>9 A. I told him I hadn't been feeling good, and</p> <p>10 then I had got this letter. And he was the</p> <p>11 one that told me to quit taking the pills</p> <p>12 immediately.</p> <p>13 Q. Did he want to have you come in and see him?</p> <p>14 A. No, he didn't say that. He just told me to</p> <p>15 quit taking the pills immediately.</p> <p>16 Q. At the time that you were talking to him, how</p> <p>17 long had you been feeling bad?</p> <p>18 A. A few weeks anyhow, if not a month. I don't</p> <p>19 know.</p> <p>20 Q. Did you tell him that you had been feeling</p> <p>21 badly for that length of time?</p> <p>22 A. I can't remember what our conversation was</p> <p>23 exactly about, but I know I told him I hadn't</p> <p>24 been feeling right, and my sister and my niece</p> <p>25 and that wanted me to go see the doctor. And</p>	<p>1 told him in May of 2008 how you were feeling,</p> <p>2 and that you may have discussed it further</p> <p>3 with him in March of 2009; is that correct?</p> <p>4 A. I might have brought it up or something, how I</p> <p>5 was feeling and it went away, you know, after</p> <p>6 I quit taking the medicine. But I'm not</p> <p>7 really sure of when it resolved, you know.</p> <p>8 Q. When did you decide to file this lawsuit or</p> <p>9 become involved in this lawsuit?</p> <p>10 A. When did I decide to?</p> <p>11 Q. Yeah.</p> <p>12 A. It was probably a couple of months after I</p> <p>13 received the letter, I got more letters.</p> <p>14 Q. So, at the time that you saw Dr. Ellis in</p> <p>15 March of 2009, you had already made the</p> <p>16 decision to proceed with the lawsuit; is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. Did you tell Dr. Ellis in March of 2009 that</p> <p>20 you were involved in a lawsuit?</p> <p>21 A. I don't know if I told him or not, to be</p> <p>22 honest with you.</p> <p>23 Q. Did you or did you not ask him any opinion</p> <p>24 about whether or not the Digitek may have</p> <p>25 caused your illness that you experienced in</p>

25 (Pages 97 to 100)

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1 May of 2008?
 2 A. I don't really think I did.
 3 Q. Is there any other reason, other than what
 4 you've already told me, as to why you believe
 5 that Digitek caused the illness that you
 6 experienced in May of 2008?
 7 A. Nothing I can think of, any other reason.
 8 Q. What is it that you believe that the
 9 defendants did wrong in their production or
 10 manufacturer of Digitek?
 11 A. Well, evidently they didn't use the quality
 12 control that should have been used.
 13 Q. How so?
 14 A. Well, if there's a recall, what happens? How
 15 does that recall come about?
 16 Q. Why was there a recall?
 17 A. Because the pills were extra strength,
 18 according to the paper, extra strength, you
 19 know, more medicine in them than there's
 20 supposed to be.
 21 Q. Do you know how many pills were found to be
 22 extra strength?
 23 A. No, I don't.
 24 Q. Do you know actually if any pills were found
 25 to be extra strength?

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REDACTED

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REDACTED

26 (Pages 101 to 104)

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1 Q. When you say your company, who do you mean?
 2 A. I think it was from Bertech I believe.
 3 Q. And do you recall what that letter said?
 4 A. Not exactly, no.
 5 Q. Do you recall exactly how soon after receiving
 6 the Rite Aid letter you received that letter?
 7 A. Not exactly. It wasn't long. There was a few
 8 of them that come in, like, back to back.
 9 Q. Do you recall whether or not any of the
 10 letters that you received contained any
 11 additional information or different
 12 information than the original recall letter?
 13 A. I don't recollect.
 14 Q. Other than the physical injuries that we've
 15 already discussed that you believe you
 16 suffered in May of 2008, any there any other
 17 physical injuries that you believe you
 18 suffered as a result of taking Digitek?
 19 MS. AVERY: Can I have the question
 20 read back, please.
 21 ----
 22 (The record was read back by
 23 the Court Reporter.)
 24 ----
 25 MS. AVERY: Just for the record,

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1 when you keep saying in May of 2008 and he
 2 keeps saying, you know, guestimating it was a
 3 month, so that May might actually include part
 4 of April. And I think you're assuming that;
 5 correct?
 6 MS. DOWNIE: Yeah, I'm saying May of
 7 2008 for ease of discussing it.
 8 MS. AVERY: That's fine, I just
 9 wanted to make sure that everybody understood
 10 that.
 11 MS. DOWNIE: Okay.
 12 BY MS. DOWNIE:
 13 Q. Any other physical injuries?
 14 A. None that I know of.
 15 Q. And we've talked about your co-pays for
 16 filling your prescription for Digitek.
 17 A. Yes.
 18 Q. What time period do you believe you should be
 19 reimbursed for those co-pays?
 20 A. Whenever you found out they were bad.
 21 Q. So, if there was only one lot of Digitek, for
 22 example, that was in question, or that part of
 23 the lot that you received, or time period?
 24 I'm not sure I'm understanding --
 25 MS. AVERY: Objection, calls for

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1 speculation.
 2 MS. DOWNIE: Yeah, it does.
 3 Q. I'm trying to understand specifically when you
 4 think you should be reimbursed.
 5 A. For whatever the bad medicine was. For me
 6 specifically you're saying; right?
 7 Q. Uh-huh.
 8 A. Yeah, whatever time frame the bad medicine was
 9 there, that's what I feel I should be
 10 compensated for.
 11 Q. Are there any other financial injuries that
 12 you believe you've suffered other than the
 13 co-pay?
 14 A. Financial injuries?
 15 Q. That's correct.
 16 A. No.
 17 Q. Do you believe that you're going to require
 18 any future medical treatment?
 19 MS. AVERY: Okay, you obviously
 20 recognize the fault in that, so why don't you
 21 try and rephrase it.
 22 Q. Your fact sheet does identify some fact
 23 witnesses, and I believe we already probably
 24 identified them, but I just want to make sure
 25 that we, in fact, know who they are. And

Page 108

1 that's page 16.
 2 A. ~~REDACTED~~
 3
 4
 5 Q. Okay, great. Anybody else?
 6 A. No.
 7 Q. Other than Dr. Ellis and Dr. McCaslin, are you
 8 currently seeing any other physicians?
 9 A. No.
 10 Q. In the fact sheet, it indicates for the
 11 injuries that you claim you suffered, that
 12 bradycardia is one of the symptoms that you
 13 were suffering.
 14 Do you know what that is?
 15 A. Not really. I did when I read it.
 16 Q. Your fact sheet on page 4 indicates that you
 17 believe that the Digitek was defective in that
 18 the dosage was inconsistent with what was
 19 prescribed.
 20 And I guess your testimony earlier
 21 was that you believe that it was in excess of
 22 what it should have been; is that correct?
 23 A. Yes.
 24 Q. If we wanted to find out exactly how many
 25 prescriptions you had for Digoxin and/or

27 (Pages 105 to 108)

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1 Digitek, the Rite Aid that you've identified
 2 and the Rite Aid that's on that bottle would
 3 be the pharmacy from which you would have had
 4 those filled?
 5 A. Yes.
 6 Q. What, if any, prognosis has Dr. Ellis given to
 7 you with respect to your heart problems? In
 8 other words, has he talked to you about
 9 complications or problems he expects that you
 10 might experience in the future?
 11 A. Enlargement of my heart, hardening of the
 12 arteries.
 13 Q. You mentioned earlier that you had a cracked
 14 rib as a result of an awful coughing fit?
 15 A. Yeah.
 16 Q. It sounds like you were pretty sick at that
 17 point. When was that?
 18 A. I'm not exactly sure of the exact time, but I
 19 had a bad cold, is what it was.
 20 Q. Was it within the last year or two?
 21 A. Yeah, it was within the last year, yes.
 22 Q. Were you hospitalized at all during that time
 23 period?
 24 A. No.
 25 Q. You are currently divorced; is that correct?

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1 A. Yes.
 2 Q. So you don't have a loss of consortium claim
 3 or anything like that?
 4 A. No.
 5 Q. Your fact sheet talks about the workers' comp
 6 and Social Security disability claims, and it
 7 looks like that time period says the
 8 application was filed in 2004 or 2005.
 9 Does that sound right to you?
 10 A. Yeah.
 11 MS. DOWNIE: Why don't we go off the
 12 record for a moment or two.
 13 ----
 14 (There was a discussion off the
 15 record.)
 16 ----
 17 MS. DOWNIE: Back on the record.
 18 BY MS. DOWNIE:
 19 Q. I just want to confirm, with respect to the
 20 members of your class, I know you haven't met
 21 any of them or talked to any of them, do you
 22 have any information at all regarding the
 23 nature of their claims?
 24 MS. AVERY: Objection to form.
 25 A. No.

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1 Q. Do you have any information specifically
 2 regarding what medical damages they're
 3 claiming?
 4 A. No.
 5 Q. Do you have any information specifically
 6 regarding the financial damages that they are
 7 claiming?
 8 A. No, I do not.
 9 MS. DOWNIE: Those are all of the
 10 questions that I have. Thank you.
 11 ----
 12 EXAMINATION
 13 ----
 14 BY MR. DOHENY:
 15 Q. Mr. Campbell?
 16 A. Yes.
 17 Q. John Doheny, I introduced myself previously.
 18 I am an attorney for Actavis, which made
 19 Digitek for a period of time.
 20 You mentioned that you hurt your
 21 back carrying a 100-pound sack?
 22 A. Yes, sir.
 23 Q. Do you recall when that was?
 24 A. 2000.
 25 Q. Was that before you began with the heart

Page 112

1 problems or after?
 2 A. That was before.
 3 Q. Are the doctors telling you to get back
 4 surgery?
 5 A. They gave me a 50/50 chance it could put me in
 6 a wheelchair.
 7 Q. How much Social Security disability do you
 8 receive a month?
 9 A. ~~REDACTED~~
 10 Q. Do you have any other sources of income
 11 besides that right now?
 12 A. No.
 13 Q. You said your roommate is?
 14 A. ~~REDACTED~~
 15 Q. How do you spell that last name? I know it's
 16 in the --
 17 A. ~~REDACTED~~
 18 MS. AVERY: She is identified in the
 19 plaintiff fact sheet.
 20 Q. Was she your roommate in April of 2008?
 21 A. Yes.
 22 Q. Is that roughly the month you say you were
 23 having some problems?
 24 A. Yes.
 25 Q. Which you relate to Digitek?

28 (Pages 109 to 112)

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1 A. Yes.
 2 Q. Has anybody else related those problems that
 3 you've told us about in April of '08 to
 4 Digitek, any other person, doctor, pharmacist?
 5 A. No.
 6 Q. Layperson?
 7 A. No, sir.
 8 Q. Are you taking any heart medication today,
 9 which is July 31, 2009?
 10 A. Yes.
 11 MS. AVERY: Objection, asked and
 12 answered.
 13 Q. And it began with an A, did it, but what is
 14 it?
 15 A. Carvedilol and Avalide.
 16 Q. No type of digitalis type of medication?
 17 A. No, sir.
 18 Q. You're not taking Digitek?
 19 A. No.
 20 Q. You're not taking Lenoxin?
 21 A. No.
 22 Q. You're not taking Digoxin?
 23 A. No, sir.
 24 Q. Now, if you become the class rep here, have
 25 you ever been a class rep in a class action

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1 (There was a discussion off the
 2 record.)
 3 ----
 4 (The proceedings were concluded at 1:32 p.m.)
 5 ----
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1 lawsuit before?
 2 A. No, sir.
 3 Q. Have you been told you will have to put any of
 4 your own money into the procedure of being the
 5 class rep?
 6 MS. AVERY: Objection. I think that
 7 you can see that that may or may not impinge
 8 on the attorney-client privilege. If you can
 9 try and rephrase it, I think you can get the
 10 information you're looking for, but I would
 11 appreciate it if you can try and rephrase it
 12 so as to avoid a possible infringing of a
 13 privilege.
 14 BY MR. DOHENY:
 15 Q. Are you expecting to put some of your own
 16 money into the effort to be the class rep?
 17 A. No, sir.
 18 MR. DOHENY: That's it. Thank you.
 19 MS. AVERY: We are not waiving
 20 reading and signing. Is there anything else
 21 that -- I think everything else was covered.
 22 MS. DOWNIE: No, I don't think
 23 there's anything else that needs to go on the
 24 record.
 25 ----

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1 COMMONWEALTH OF PENNSYLVANIA) CERTIFICATE
 2 COUNTY OF ALLEGHENY) SS:
 3 I, Pamela L. Beck, a Court Reporter and Notary
 4 Public in and for the Commonwealth of Pennsylvania,
 5 do hereby certify that the witness, DALE CAMPBELL,
 6 was by me first duly sworn to testify to the truth;
 7 that the foregoing deposition was taken at the time
 8 and place stated herein; and that the said
 9 deposition was recorded stenographically by me and
 10 then reduced to printing under my direction, and
 11 constitutes a true record of the testimony given by
 12 said witness.
 13 I further certify that the inspection, reading
 14 and signing of said deposition were NOT waived by
 15 counsel for the respective parties and by the
 16 witness.
 17 I further certify that I am not a relative or
 18 employee of any of the parties, or a relative or
 19 employee of either counsel, and that I am in no way
 20 interested directly or indirectly in this action.
 21 IN WITNESS WHEREOF, I have hereunto set my
 22 hand and affixed my seal of office this 5th day of
 23 August, 2009.
 24 _____
 25 Notary Public

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Dale Campbell

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COMMONWEALTH OF PENNSYLVANIA) ERRATA
COUNTY OF ALLEGHENY) SHEET

I, DALE CAMPBELL, have read the foregoing
pages of my deposition given on July 31, 2009, and
wish to make the following, if any, amendments,
additions, deletions or corrections:

Pg. No. Line No. Change and reason for change:

In all other respects, the transcript is true and
correct.

DALE CAMPBELL

Subscribed and sworn to before me this
day of , 2009.

Notary Public
Reference No. PB14086

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AKF REPORTERS, INC.
AKF Building
436 Boulevard of the Allies
Pittsburgh, PA 15219
(412) 261-2323

August 5, 2009

TO: Patricia I. Avery, Esq.

RE: DEPOSITION OF DALE CAMPBELL

NOTICE OF NON-WAIVER OF SIGNATURE

Please have the deponent read his deposition
transcript. All corrections are to be noted on the
preceding Errata Sheet.

Upon completion of the above, the Deponent must
affix his signature on the Errata Sheet, and it is
to then be notarized.

Please forward the signed original of the Errata
Sheet to Attorney Downie, for attachment to the
Original Transcript, which is now in her possession.
Send a copy of same to all counsel, and also a copy
to me.

Please return the completed Errata Sheet within
thirty (30) days of receipt hereof.

Pamela L. Beck
Court Reporter
AKF Reporters, Inc.

30 (Pages 117 to 118)

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**FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: DIGITEK®
PRODUCT LIABILITY LITIGATION

MDL DOCKET NO. 1968

THIS DOCUMENT APPLIES ONLY TO:
Michael Pasken, et al.,

NO. 2:08-cv-1075

Plaintiff,

v.

Actavis Group hf, et al.,

Defendants.

ERRATA SHEET TO DEPOSITION TRANSCRIPT OF DALE CAMPBELL

<u>Page/Line(s)</u>	<u>Correction</u>
various	There are various medical references and company names (e.g., "Bertech" instead of "Bertek") throughout the transcript. I have not checked the court reporter's spelling to determine if any of them need to be corrected.
various	Everyone, myself included, repeatedly misspell my physician's name. I believe that the correct spelling of his name is Gustav Eles.
28:17-9	The phrase "My co-pay for all the medicine and the co-pay for all of the people in the class action suit" should be corrected to state "My co-pay for all the medicine and the co-pay and anything else the court allows for all of the people in the class action suit." The reason for the change is that as I read

that the court has the final say on what is or is not included in a lawsuit.

various

One of my sister's names is typed as "Louie". Her name is "Lou Ellen" and the shortened form is "Lou E".

various

I noticed a number of errors in questions, but since I was not the person saying them, I don't think that I can correct them. For example, on page 55, line 18, the question refers to "abnormal health rhythm" and I believe she said "abnormal heart rhythm".

There may be other spelling, grammatical, or other transcription errors in the transcript. It is possible that I may not have caught and corrected all of those, particularly with respect to comments or statements that were not mine.

I declare under penalty of perjury under the laws of the U.S. that the above corrections are true and correct to the best of my knowledge, information, and belief. Executed this 15th day of September, 2009.

A large black rectangular redaction box covering the signature of Dale Campbell.

Dale Campbell